

## REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 2-7, 11-14 and 16-19 have been rejected.

Claims 1, 8-10, 15 and 20-25 were previously canceled.

Claims 2-7, 11-14 and 16-19 are pending in this application.

Claims 2-4, 11 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Katz et al. (US 6,771,989, hereinafter "Katz") in view of Ponnekanti (US 2002/0150065). This rejection is respectfully traversed.

Katz discloses distributing a set of pilot bits in a message into multiple groups (fig. 6 and col. 8 lines 8-27) which can be interpreted as dividing pilot bits into first and second sets. Katz also describes the power of these pilot bits changing due to this *distribution* (col. 9 lines 51-59). However, applicant respectfully submits that Katz does not suggest or describe applicant's novel element of having pilot bit power dependent upon the *data rate* of data bits associated with the pilot bits, as recited in claim 4. Referring to Fig. 6, for Katz to describe applicant's pilot bit power dependent upon the data rate of associated bits, Katz would have needed to describe, for example, how the power of pilot bits  $P_1$  depends on the data rate of data bits  $d_{nN}$ . Katz does not discuss data rate or data rate changes, and therefore could not have foreseen applicant's use of this change of data rate to modify pilot bit power.

Applicant agrees with the Examiner that Katz further fails to teach pilot bits independent of the data rate.

Ponnekanti discloses a message containing pilot bits and data bits. There is no consideration of the data rate of the data bits, and there is no mention of whether the pilot bit power is dependent or independent of the data bits or data bit rate. Even if it can be implied that Ponnekanti discloses pilot bit power independent of data bit rate, neither Ponnekanti nor Katz, in combination or alone consider the element of pilot bit power that is *dependent* on data bit rate. Inasmuch as neither of these references consider data bit rate, it could not be further envisioned to make pilot bits dependent upon data bit rate.

None of the cited references suggest or disclose: a) a consideration of data rate, b) changing power of some pilot bit dependent upon data rate, and c) keeping other pilot bit powers independent of data rate. Inasmuch as these references are missing these several elements, applicant respectfully submits that independent claim 4 is patentable and non-obvious over the cited references, and is therefore deemed allowable. Independent claim 14 contains the same elements as claim 4, and is therefore deemed allowable as well for the same reasons.

Claims 2-3 and 11 depend from claim 4, incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Therefore, applicant submits that this rejection has been overcome.

Claims 5-7 and 12-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Katz in view of Ponnekanti as applied to claim 4, and further in view of Yun et al. (US 2005/0111521). This rejection is respectfully traversed.

Independent claim 4 has been previously distinguished above. Claims 5-7 and 12-13 depend from claim 4, incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Therefore, applicant submits that this rejection has been overcome.

Claims 16-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Katz in view of Ponnekanti as applied to the claims above, and further in view of Husted et al. (US 6,785,523). This rejection is respectfully traversed.

Independent claim 4 has been previously distinguished above. Claims 16-19 depend from claim 4, incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Therefore, applicant submits that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

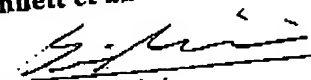
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to  
Deposit Account 50-2117.

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Respectfully submitted,  
**Whinnett et al.**

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